



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during March 2010
DISTRIBUTED: May 7, 2010

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

Huber Engineered Woods LLC, Easton, Maine. Huber Engineered Woods, LLC ("Huber") violated the facility's emission limit for total hazardous air pollutant emissions as determined during compliance testing at the facility. A subsequent retest showed compliance with the total hazardous air pollutant emissions limit. To resolve the violation, Huber paid a civil monetary penalty of \$4,500. Of the \$4,500 civil penalty, \$3,600 was directed to a Supplemental Environmental Project concerning water quality improvement in the Williams Brook Watershed which is a sub-watershed of the Prestile Stream Watershed.

Mid-Maine Waste Action Corporation, Auburn, Maine. Mid-Maine Waste Action Corporation ("MMWAC") violated provisions of the Department's rule for *Emission Limitations and Emission Testing of Resource Recovery Facilities* by exceeding the rule's emission limit for dioxin/furans as determined by a stack test at the facility. A subsequent retest showed compliance with the dioxin/furans limit. To resolve the violation, MMWAC paid a civil monetary penalty of \$18,000.

Naturally Potatoes A Basic American Foods Division, LLC, Mars Hill, Maine. Naturally Potatoes A Basic American Foods Division, LLC ("Naturally Potatoes") violated provisions of its Department-issued air emission license and the Department's rule for *Emission Statements* by failing to timely submit annual emission inventories for 2006, 2007, and 2009. To resolve the violations, Naturally Potatoes paid a civil monetary penalty of \$1,050.

Land:

John Hangen, Fort Fairfield, Maine. John Hangen ("Hangen") violated provisions of Maine's *Natural Resources Protection Act* by filling and disturbing soil adjacent to a great pond without first obtaining a permit from the Department. Specifically, Hangen constructed a ten foot wide by fifteen foot long earthen boat ramp on his property which extended to the normal high water line of Monson Pond. Following Department involvement, Hangen removed fill from the shore line of Monson Pond and permanently stabilized disturbed areas. To resolve the violation, Hangen paid \$1,507.50 as a civil monetary penalty.

Portage Construction Co., Inc., Portage, Maine. Portage Construction Co., Inc. ("Portage Construction") violated Maine's *Stormwater Management* law by constructing a project that includes one acre or more of disturbed area without first obtaining a permit from the Department. In addition, Portage Construction violated the *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion or sediment beyond the project site or into a protected natural resource. Specifically, Portage Construction removed vegetation and grubbed and bulldozed an area of approximately five acres in preparation to mine gravel. At the time of a Department inspection, no erosion controls were in place. Following Department involvement, the exposed soil was stabilized by seeding and mulching to the satisfaction of Department staff. To resolve the violations, Portage



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Construction agreed to submit a restoration plan to reduce the size of a gravel road which had been expanded as part of the disturbance and revegetate disturbed areas, agreed to have two employees attend a Department Nonpoint Source Training Center workshop focusing on erosion and sedimentation control, and paid \$3,000 as a civil monetary penalty.

Hazardous Waste:

Spray Maine, Inc., South Berwick, Maine. Spray Maine, Inc. ("Spray Maine") violated provisions of the Department's rule concerning *Standards for Generators of Hazardous Waste* by: failing to determine if wastes generated were hazardous; failing to place hazardous waste in a container that meets the requirements of the rule; offering hazardous waste to an unlicensed transporter and unlicensed disposal facility; failing to label containers of hazardous waste with the words "Hazardous Waste" and the accumulation start date; failing to keep containers of hazardous waste closed; failing to inspect containers of hazardous waste daily and document inspection findings in a log; failing to store hazardous waste in containers free from rust or leaks; and failing to segregate incompatible hazardous wastes and materials. In addition, Spray Maine violated the Department's rule concerning the *Identification of Hazardous Wastes* by failing to containerize universal waste lamps and failing to label containers of universal waste as required. Following Department involvement, Spray Maine advised the Department of corrective actions including: the shipment of hazardous waste and universal waste and providing the Department with manifests documenting the shipment; labeling, dating, and closing a drum in the facility's wet paint area; conducting daily inspections of hazardous waste containers; containerizing and marking spent paint booth filters as hazardous waste; preparing unwanted, unusable, or expired waste inks, paint related products, and corrosives for shipment and providing the Department with a manifest documenting the shipment; and profiling waste water from parts cleaning which was determined to be nonhazardous. To resolve the violations, Spray Maine agreed to comply with applicable laws and rules concerning hazardous waste and universal waste, conduct hazardous waste determinations for all unusable or unwanted materials and properly dispose of any waste meeting a hazardous waste characteristic or listing, and paid \$21,000 as a civil monetary penalty.